

direction, not a longitudinal direction. If the Examiner maintains that Yan discloses the recited longitudinally spaced regions, Applicant respectfully requests that the Examiner identify such regions in a non-final Office Action so that Applicant may respond appropriately.

Moreover, as to claim 25, Yan does not disclose having two longitudinally spaced portions of different porosity.

Independent claim 32 is patentable for similar reasons to those discussed above with respect to independent claim 23 and dependent claim 34 is patentable for similar reasons to those discussed above with respect to dependent claim 25.

In light of the above, withdrawal of the rejection is requested.

(4)

Claims 23, 24, 27-30, 32, 33 and 36-40 were rejected under 35 USC 103 over Richter (US 5807404) in view of Saunders (US 5780807).

Even if the proposed combination were made, the combination would not disclose all of the elements of the instant claims. Specifically, independent claims 23 and 32 recite providing a tube having at least two different longitudinally spaced regions of different physical characteristics and subsequently cutting a stent from the tube. The Richter disclosure allows for several ways of manufacturing the Richter stent. One method involves different heat treatments for different portions of the stent. Another method involves the use of different materials. As to the first method, one of ordinary skill in the art would expect that the Richter stent would be differently heat treated subsequent to the pattern being cut in the sheet rather than prior to the pattern being cut. Thus, even if there were motivation to cut the Richter stent from a tube, the tube itself would not have different properties until after the cutting and heat treatment. Where different materials are provided, there is no teaching in the combination of references that the different materials of Richter should be combined into a tube and subsequent to that, the tube cut. The sections of different material could well be attached to the remainder of the stent subsequent to cutting the tube.

As such, the proposed combination does not render obvious the instant claims and withdrawal of the rejection is requested.

(5)

In the Office Action, claims 27, 28, and 36-39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yan in view of Gray et al. Gray is relied upon to teach the use of serpentine segments extending about the circumference of the stent.

Claims 27, 28, and 36-39 are patentable over the combination of Yan and Gray for the same reasons that the independent claims from which they depend are patentable over Yan as discussed in paragraph 2 above. Gray does not provide the missing teaching of a tube which has at least two different longitudinally spaced regions of different physical characteristics.

Given the failure of the proposed combination to disclose all of the elements of the instant claims, withdrawal of the rejection is requested.

CONCLUSION

In view of the foregoing it is believed that the present application is in condition for allowance. Applicant requests withdrawal of the rejections and notification action to that effect is earnestly solicited.

Respectfully submitted,

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Date: January 8, 2003

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23.(Amended) A method of manufacturing a stent comprising the steps of:
providing a tube, the tube characterized by a longitudinal axis, having at least two
different [axially] longitudinally spaced regions of different physical characteristics; and
subsequently
cutting a stent from the tube.

25.(Amended) The method of claim 23 wherein a first portion of the tube is characterized
by a first porosity and a second portion of the tube, [axially] longitudinally spaced from the first
portion of the tube, is characterized by a second porosity different from the first porosity.

32.(Amended) A method of manufacturing a stent comprising the steps of:
providing a tube having at least two different [axially] longitudinally spaced regions of different
physical characteristics; and subsequently,
cutting a plurality of openings in the tube to form a stent.

34.(Amended) The method of claim 32 wherein a first portion of the tube is characterized
by a first porosity and a second portion of the tube, [axially] longitudinally spaced from the first
portion of the tube, is characterized by a second porosity different from the first porosity.